

IN THE CIRCUIT COURT OF

RUSSELL COUNTY, ALABAMA

STATE OF ALABAMA

PLAINTIFF,

VS.

JERRY E. WHITLEY

DEFENDANT.

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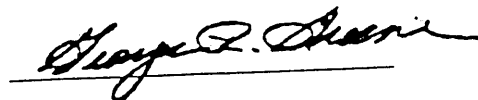
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CASE NO. CC-02-186-188

ORDER

The defendant having filed a motion to set aside writ of arrest and withdraw revocation of bond and a motion in limine and the Court having considered same, it is ORDERED that a hearing is set for the 23rd day of October, 2002 at 3:00 P.M. in Courtroom No. 1, Russell County Courthouse.

Dated this the 9th day of October 2002.



JUDGE, CIRCUIT COURT

FILED IN OFFICE
OCT 11 2002

PLAINTIFF,)
)
VS.)
)
JERRY E. WHITLEY)
)
DEFENDANT.)

RUSSELL COUNTY, ALABAMA
CASE NO.: CC 02-186-188

ORDER

The defendant having filed a motion to compel, compliance with the Court's order for transport of samples for independent analysis and the Court having considered same, it is ORDERED that the motion to compel is denied.

DONE this the 10th day of October 2002.


JUDGE, CIRCUIT COURT

FILED IN OFFICE
OCT 19 2002 10:40

JERRY E. WHITLEY

PETITIONER,

VS.

STATE OF ALABAMA and THOMAS F.
BOSWELL, Sheriff of Russell
County, Alabama,

RESPONDENTS.

RUSSELL COUNTY, ALABAMA

CASE NO.: CC 02-186-188

ORDER

The Petitioner, Jerry E. Whitley having filed a Petition for writ of Habeas Corpus and the Court having considered same, it is ORDERED that a hearing is set for October 23, 2002 at 3:00 P.M.
DONE this the 10th day of October 2002.


JUDGE, CIRCUIT COURT

CLERK OF COURT
JUL 19 2002
OFFICE

STATE OF ALABAMA
PLAINTIFF,

VS.

JERRY EUGENE WHITLEY

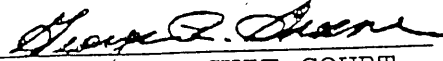
DEFENDANT.

CASE NO.: CC 02-186,187,188

ORDER

The parties appearing before the Court for a hearing on motions filed by the Defendant. The Court proceeded to hear testimony and upon consideration of same, it is ORDERED that the Motion to reduce bond is denied. It is further ORDERED that the Motion in Limine is granted as to photographs of co-defendants and denied as to videotape involving defendant and co-defendants. The Court reserves ruling on Motion in Limine as to single photograph of defendant.

DONE this the 23rd day of October 2002.


JUDGE, CIRCUIT COURT

VS.

CASE NO.: CC 02-186-188

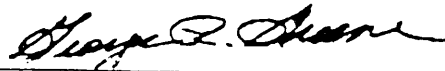
STATE OF ALABAMA and THOMAS F.
BOSWELL, Sheriff of Russell
County, Alabama,

RESPONDENTS.

ORDER

The Petitioner having filed a petition for Writ of Habeas Corpus and the Court having taken testimony ore tenus it is ORDERED that the Petition for Writ of Habeas Corpus is denied.

DONE this the 25th day of October 2002.



JUDGE, CIRCUIT COURT

FILED IN OFFICE
2002 OCT 25 PM 3:05
CIRCUIT/DIST. COURT
RUSSELL CO., AL.

H. W. "Bucky" McMILLAN
Presiding Judge
SUE BELL COBB
PAMELA W. BASCHAB
GREG SHAW
A. KELLI WISE
Judges

Lane W. Mann
Clerk
Wanda K. Ivey
Assistant Clerk
(334) 242-4590
FAX (334) 242-4689

ORDER

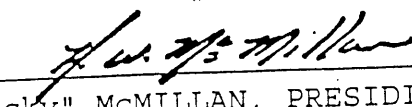
CR-02-0133

Ex parte Jerry E. Whitley (In re: State of Alabama vs. Jerry E. Whitley) (Russell Circuit Court: CC-02-186, 187 & 188).

Upon consideration of the above referenced Writ of Habeas Corpus, the Court of Criminal Appeals ORDERS that said petition be and the same is hereby denied.

McMillan, P.J., and Cobb, Baschab, Shaw, and Wise, JJ.,
concur.

Done this the 4th day of November, 2002.


H.W. "Bucky" McMILLAN, PRESIDING JUDGE

CCA/wki

cc: Honorable George R. Greene, Circuit Judge
Honorable Kathy S. Coulter, Circuit Clerk
Honorable Tommy Boswell, Sheriff
Honorable Bill Pryor, Attorney General
Honorable Laurel Wheeling Farrar, Attorney, Petitioner
Honorable Kenneth Davis, District Attorney
Office of Attorney General

IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA

STATE OF ALABAMA,
Plaintiff,

vs.

JERRY E. WHITLEY,
Defendant.CRIMINAL CASE NUMBER
CC-02-186-188FILED IN OFFICE
2005-07-19 PM 2:41MOTION FOR APPROVAL OF EXTRAORDINARY EXPENSES
PURSUANT TO MAY v. STATE

Comes now the defendant in the above-stated matter, by and through his attorney, Laurel W. Farrar, and requests the Court to approve in advance the reimbursement of expenses for additional laboratory analysis of the substance alleged in the indictment to be methamphetamine. Additionally, defendant would request approval in advance of expenses for obtaining the testimony of the independent expert witness at the trial of the above-stated case. In support of said request, defendant respectfully shows the Court as follows:

1. The results of the independent laboratory analysis of the representative samples revealed such a ratio of alleged controlled substance that further analysis is necessary.
2. It is defendant's position that under the definition of "mixture" set forth in Code of Alabama 1975 §13A-12-231, the results of said analysis show that the seized substances will not be found to satisfy the statutory requirements.
3. The alleged controlled substance was actually weighed, although it is in liquid form rather than solid and should be measured by components rather than weighed.
4. The testimony of the independent witness at trial is necessary in order to get the results of the analysis into evidence for consideration by the jury.

5. The Alabama Court of Criminal Appeals held in *May v. State* that “expenses reasonably incurred” are reimbursable under Code of Alabama 1975, §15-12-21. Under *Ex Parte Barksdale*, 680 So.2d 1029 (1996), such expenses must be approved by the Trial Court prior to being incurred.

6. A separate motion entitled “Defendant’s Motion to Continue” has been filed contemporaneously with the instant motion.

7. At this time, counsel for defendant estimates the cost of additional laboratory analysis at approximately \$700.00 and the amount necessary for transportation of the expert witness to appear at trial at approximately \$2,000.00 and would ask the Court to pre-approve costs in an amount capped at \$2,700.00 for such analysis and for costs of procuring testimony of the expert witness.

WHEREFORE, the premises considered, defendant requests moves this Court to approve payment of expenses as requested herein.

EZELL & CHANCEY, LLP

By: 

Laurel W. Farrar

Attorneys for Defendant

1200 8th Avenue

P. O. Drawer 2500

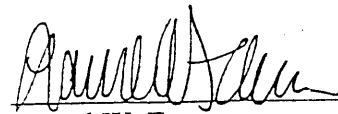
Phenix City, AL 36868-2500

(334) 297-2400

Attorney Code FAR-036

CERTIFICATE OF SERVICE

I hereby certify that I am attorney for defendant Jerry E. Whitley and that I have served a copy of the within and foregoing motion upon the District Attorney of Russell County, Alabama, by placing a copy thereof in a receptacle held in his name in the Office of the Clerk of this Court, this 3rd day of December, 2002.



Laurel W. Farrar

STATE OF ALABAMA

VS.

JERRY WHITLEY

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IN THE CIRCUIT COURT OF

RUSSELL COUNTY, ALABAMA

CASE NO. CC-02-186,187,188

RESPONSE TO MOTION FOR CONTINUANCE AND MOTION FOR EXPENSES

Comes now the State and requests this Court to deny the Motion for Continuance and Motion for Expenses filed by the Defendant and as grounds says as follows

1 - The defendant is charged with Trafficking in Methamphetamine in that the defendant possessed 28 grams or more of Methamphetamine or a mixture containing Methamphetamine.

2 - Under Alabama law if the mixture is one where the controlled substance is commingled and diffused with other substances (which is the case here), the weight of the entire mixture should be counted **Ex Parte Fletcher** 718 So 2d 1132 (1998).

3 - The constitutionality of this statute has been tested ad our Courts have held that it does not violate equal protection or cruel and unusual punishment provisions **Washington v State** 200 Ala Crim App Lexis 120 (2000)

4 - Heretofore the Defendant has obtained an independent expert to analyze the substance. That expert has rendered an opinion that the mixture contains Methamphetamine.

5 - The Defendant now seeks a continuance and Extra Expenses, one day before the scheduled trial, to bring this expert to Court for the purpose of testifying that there is a small amount or ratio of Methamphetamine in the mixture.

6 - Such testimony is irrelevelant and immaterial under our law and further would be inadmissible at trial. Therefore it would be a waste of money to bring an expert from Nevada to attempt to testify to inadmissible matters.

7 - Further the Defendant has previously requested and been granted continuances in this matter.

8 - Further the defendant has known for months of the trial date and waited until just before trial to make any attempt to bring the expert to Court of bring the matter to the Court's attention.

WHEREFORE, these premises considered, the State moves this Court to deny the Motions filed by the Defendant.

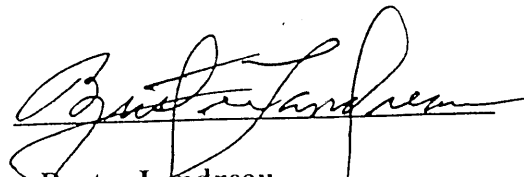
Respectfully submitted,

KENNETH DAVIS

DISTRICT ATTORNEY

26TH JUDICIAL CIRCUIT

BY:



Buster Landreau

Chief Deputy District Attorney

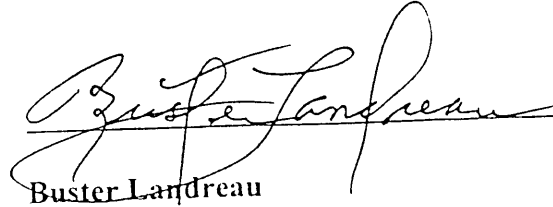
LAN 034

FILED IN OFFICE
2007 OCT -1, PM 12:13
JUDICIAL CIRCUIT
26TH

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of this Motion to the Attorney for the Defendant **Laurel Farrar** by placing a copy of the same in a receptacle reserved in his name in the Office of the Circuit Clerk of Russell County.

This 4th Day of December, 2002.


Buster Landreau

IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA

STATE OF ALABAMA,
Plaintiff,CRIMINAL CASE NUMBER
CC-02-186-188

vs.

JERRY E. WHITLEY,
Defendant.MOTION FOR APPROVAL OF COURT REPORTER EXPENSES
PURSUANT TO MAY v. STATE

Comes now JERRY E. WHITLEY, defendant in the above-styled case, by and through his attorney, and requests the Court to approve in advance the reimbursement of expenses for a certified court reporter to furnish transcripts of the guilty pleas of defendant's co-defendants Wayne Meadows and Steve Mosseson and a transcript of the suppression hearing in the above-stated case. In support of this request, defendant respectfully shows the Court as follows:

1. The Alabama Court of Criminal Appeals held in *May v. State* that "expenses reasonably incurred" are reimbursable under Code of Alabama 1975, §15-12-21. Under *Ex Parte Barksdale*, 680 So.2d 1029 (1996), such expenses must be approved by the Trial Court prior to being incurred.
2. It is necessary that defendant's counsel have the use of transcripts of the guilty pleas of defendant's said co-defendants and a transcript of testimony at the suppression hearing in this case in order to effectively cross-examine the State's witnesses at the trial of the case.

WHEREFORE, defendant moves this Court to approve payment to Laurel W. Farrar at the conclusion of the above-styled case for expenses relating to the foregoing in the projected amount of \$ 400.00

EZELL & CHANCEY, LLP

By:



Laurel W. Farrar

Attorneys for Defendant

P. O. Drawer 2500

Phenix City, AL 36868-2500

(334) 297-2400

Attorney Code FAR-036

CERTIFICATE OF SERVICE

I hereby certify that I am attorney for defendant and that I have served a copy of the within and foregoing motion upon the District Attorney of Russell County, Alabama, by placing a copy thereof in a receptacle held in his name in the Office of the Clerk of this Court, this 4th day of December, 2002.



Laurel W. Farrar

TERM DATE: 12/02/2002 PANEL: 001 STATUS: A

STRIKE JUDGE'S NAME

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0009 BRADSHAW ELSA POSERO

6 0020 CALHOUN ROBERT LEE

0025 COCHRAN (CHIP) EMORY A

exc. 0027 CORCORAN S MIKE

0028 COX GORDON EUGENE C/D 3

10 0033 EBBES JESSE ROY

0038 ELLIOTT ALPHONSO

7 0039 ETHRIDGE S WAYNE

0041 FINCHER JAMES JULIUS DS 1

0044 FREY LLOYD GERALD 2

1 0048 GLAZE TANYA FREEMAN

2 0057 HOLLOWAY WILLIE GRIGGS

4 0059 HOOD GEBLE

3 0062 HUGULEY EVELYN B

0068 JOHNSON-GIBBS NICOLE

exc. 0070 JONES MICHAEL WAYNE

0071 JORDAN TAMARA MATTHEWS 7

0073 KIRBY DEL LEE

11 0076 LANDINGHAM T GARY Alt

exc. 0077 LEE TIFFANY DANIELLE

0078 LEWIS ANNIE LEE WILLIAM 6

8 0083 MARTIN MINNIE ELAINE 9

0089 MOORE BOB THOMAS

0100 POWELL JIMMY E

0101 RATHEL E JO

0103 RICE C RONNIE 10

0106 SANDERS SYLVIA JOHNSTON

0108 SCHLEY DESHUNDA LAFAYE

0109 SCOTT-CROW MICHELLE

0110 SELLS MARY TIPPS

0111 SESSIONS KIM MICHELLE 5

c/d 5 0113 SMITH JESSIE WILLIAMS

8 0115 THACKER BEGGY ROSWITA

0117 THOMAS STACEY 9

0123 WELLS WANDA HUTCHINS 4

0129 WOLFINGER RODNEY MARTIN 9

CC-02-186-187-188 1205-02

State of AL vs Jerry Whitley
Landreau Farrar

S	D
1-48	1-41
2-57	2-44
3-62	3-28
4-59	4-123
5-113	5-111
6-20	6-78
7-39	7-71
8-115	8-83
9-117	9-128
10-33	10-103
11-76 Alt.	

000317

STATE OF ALABAMA

VS.

JERRY WHITLEY

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IN THE CIRCUIT COURT OF

RUSSELL COUNTY, ALABAMA

CASE NO. CC-02-186,187,188

STATE'S REQUESTED JURY CHARGE #1

I charge you Ladies and Gentlemen of the Jury that if a person is knowingly in possession of 28 grams or more of Methamphetamine of any mixture containing Methamphetamine then he is guilty of the crime of Trafficking in Possession.

GIVEN _____

DENIED

12/5/02 given in original general charge

STATE OF ALABAMA

VS.

JERRY WHITLEY

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IN THE CIRCUIT COURT OF

RUSSELL COUNTY, ALABAMA

CASE NO. CC-02-186,187,188

STATE'S REQUESTED JURY CHARGE #2

I charge you Ladies and Gentlemen of the Jury that if where an illegal drug is commingled with or diffused in a mixture, you ^{may} ~~must~~ count the weight of the entire mixture in determining if the defendant knowingly possessed 28 grams or more of a methamphetamine mixture.

GIVEN _____

DENIED _____

STATE OF ALABAMA

VS.

JERRY WHITLEY

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IN THE CIRCUIT COURT OF

RUSSELL COUNTY, ALABAMA

CASE NO. CC-02-186,187,188

STATE'S REQUESTED JURY CHARGE #3

I charge you Ladies and Gentlemen of the Jury that when a controlled substance is found on premises controlled by the defendant *Roberta PRESUMPTION* there is an inference under the law that the defendant possessed the controlled substance.

GIVEN _____

DENIED _____

STATE OF ALABAMA

VS.

JERRY WHITLEY

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IN THE CIRCUIT COURT OF

RUSSELL COUNTY, ALABAMA

CASE NO. CC-02-186,187,188

STATE'S REQUESTED JURY CHARGE #4

I charge you Ladies and Gentlemen of the Jury that constructive possession occurs when a defendant exerts or is able to exert dominion and control over the controlled substance.

GIVEN _____

DENIED _____

STATE OF ALABAMA

VS.

JERRY WHITLEY

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IN THE CIRCUIT COURT OF

RUSSELL COUNTY, ALABAMA

CASE NO. CC-02-186,187,188

STATE'S REQUESTED JURY CHARGE #5

I charge you Ladies and Gentlemen of the Jury that a defendants knowledge of a controlled substance may be established by circumstantial evidence and does not depend upon ownership.

BUT DOES REQUIRE POSSESSION

GIVEN _____

DENIED _____

IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA

STATE OF ALABAMA,
Plaintiff,

vs.

JERRY E. WHITLEY,
Defendant.CRIMINAL CASE NUMBER
CC-02-186, 187, 188

DEFENDANT'S REQUESTED JURY CHARGE #1
CONSTRUCTIVE POSSESSION

One of the elements which the State must prove in this case is possession. What do we mean by "possession?" To Possess means to have actual and immediate dominion or control over the object alleged to be possessed. There are two kinds of possession: actual and constructive. Where the State seeks a conviction based on the accused's alleged constructive possession of illegal drugs, it must establish that the accused had knowledge of the presence of those drugs.

If you find that the accused is in exclusive possession of the premises where the illegal drugs are found, it may be inferred that he had knowledge of the presence of the drugs. However, if you find that the accused is not in exclusive possession of the premises where the drugs are found, you may not infer that the accused knew of the presence of those drugs without some other circumstances to support such an inference.

Palmer v. State, 593 So.2d 143 (Ala. Crim. App. 1991).

given 12/5/02 grg

9 min 12/5/0

IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA

STATE OF ALABAMA,
Plaintiff.

vs.

JERRY E. WHITLEY,
Defendant.CRIMINAL CASE NUMBER
CC-02-186, 187, 188

DEFENDANT'S REQUESTED JURY CHARGE #3
REQUIREMENT OF PROOF OF POSSESSION

Conviction for the possession of illegal drugs cannot be based on constructive possession alone. Where the state relies on constructive possession, it is necessary that the prosecution prove that the defendant had knowledge of the presence of the illegal drugs. Moreover, where the accused is not in exclusive possession of the premises upon which illegal drugs are found, this knowledge may not be inferred without other evidence that connects the defendant with the contraband.

McGruder v. State, 560 So. 2d 1137 (Ala. Crim. App. 1989).

given 12/5/02

IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA

STATE OF ALABAMA

VS.

JERRY E. WHITLEY

DEFENDANT.

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CASE NO. CC 02-187

GUILTY VERDICT

We the jury, find the defendant, Jerry E. Whitley guilty of the offense of Unlawful possession of a controlled substance as charged in the indictment.

Nicole Gibbs
Foreperson

12-5-02
Date

STATE OF ALABAMA,) IN THE CIRCUIT COURT OF
PLAINTIFF,) RUSSELL COUNTY, ALABAMA
VS.) CASE NO. CC 02-187
JERRY E. WHITLEY)
DEFENDANT.)


VERDICT

December 5, 2002. Now comes the defendant, with assistance of counsel, for trial by a jury of twelve upon his plea of not guilty.

December 5, 2002. Now comes the jury and returns its unanimous verdict as follows: "We, the Jury, find the defendant, Jerry E. Whitley, guilty of the offense of Unlawful possession of a controlled substance, as charged in the indictment.

Date: December 5, 2002; Nicole Gibbs, Foreperson."
The verdict being in proper form, the Court accepts the verdict.

The defendant is remanded to the custody of the Sheriff of Russell County. Sentencing is scheduled for January 14, 2003 at 10:00 A.M.


George R. Greene, Circuit Judge

IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA

STATE OF ALABAMA,
Plaintiff,

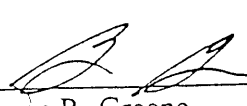
vs.

JERRY E. WHITLEY,
Defendant.CRIMINAL CASE NUMBER
CC-02-186-188ORDER ON MOTION FOR APPROVAL OF
COURT REPORTER EXPENSES

Upon consideration of the Motion for Approval of Court Reporter Expenses Pursuant to *May v. State* filed by the attorney for the defendant in the above-stated cause, the Court is of the opinion that the expenses requested to be reimbursed relating to transcripts of guilty pleas of co-defendants and testimony presented at the suppression hearing in the case are "expenses reasonably incurred" and due to be approved in advance and that said motion is due to be granted.

IT IS, THEREFORE, ORDERED that the Comptroller for the State of Alabama reimburse Laurel W. Farrar at the conclusion of her representation of the defendant at the trial court level in the above-styled case the projected approximate sum of \$ 400 for the purpose of obtaining the said transcripts.

SO ORDERED, this 4th day of December, 2002.


Honorable George R. Greene
Judge, Russell County Circuit Court

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2002 DEC -9 PM 11:16
RUSSELL COUNTY
ALABAMA

STATE OF ALABAMA
PLAINTIFF,

VS.

JERRY E. WHITLEY

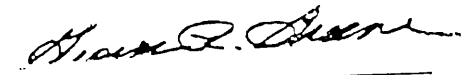
DEFENDANT.

CASE NO.: CC 02-186-188

ORDER

The defendant having filed a Motion in Limine and the Court having considered same, the Motion is granted in part and denied in part in open court on the day of trial.

DONE this the 5th day of December 2002.



JUDGE, CIRCUIT COURT

FILED IN OFFICE

2002 DEC -9 AM 11:46

CIRCUIT COURT
RUSSELL COUNTY

PLAINTIFF,

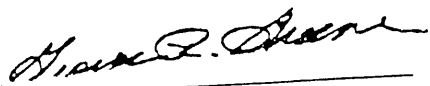
VS.

JERRY E. WHITLEY

DEFENDANT.

ORDER

The defendant having filed a motion for approval of extraordinary expenses for additional laboratory analysis and the Court having reviewed and considered same, it is ORDERED that the motion is denied.
DONE this the 5th day of December 2002.


JUDGE, CIRCUIT COURT

FILED IN OFFICE

2002 DEC -9 AM 11:46

CIRCUIT COURT
RUSSELL COUNTY

NAME: Terry Whitley

1/14/03

CC 02-186-188

EXTENSION OF PROBATION OR PAROLE DATE NOTICE FOR FAILURE
TO PAY COURT ORDERED MONIES

The length of time of probation or parole shall be automatically extended for six month intervals for all Defendants who have not fully paid all court ordered monies prior to the expiration of their initial term of probation or prior to the end of their parole date. Court ordered monies includes: fines, court costs, fees, and restitution.

The total of court ordered monies due in this case is 5667.00 + Atty fees 50,000 - Fr 1800 - Inc + 400 - VCF

All Defendants must keep a current address on file with the Circuit Clerk's Office of Russell County, Alabama. Failure to do so will be considered a violation of the Defendants' probation or parole.

George R. Greene
Circuit Judge

STATE OF ALABAMA

VS.

Jerry Eugene Whitley
DEFENDANTIN THE CIRCUIT COURT OF
RUSSELL COUNTY, AL
CASE NO. CC 02-187

SENTENCING ORDER

The defendant and counsel, and counsel for the State of Alabama appeared in open court for the defendant to be sentenced on his/her conviction of Unlawful possession of a controlled substance

HABITUAL FELONY OFFENDER

Defendant is sentenced as a habitual offender under the provision of Section 13A-5-9 and 10 of the Code of Alabama.

SENTENCE

- ☒ The Court conducted a sentencing hearing.
- ☒ A pre-sentence report was requested by the defendant and considered by the Court.
- ☐ Defendant waived a pre-sentence investigation and report.
- ☒ Defendant is sentenced to the custody of the Commissioner of the Department of Corrections for a period of 5 year(s) life.
- ☐ Sentence to include five (5) years enhancement pursuant to 13A-12-270, Code of Alabama, and an additional five (5) years enhancement pursuant to 13A-12-250, Code of Alabama.
- ☐ Defendant is sentenced to the custody of the Sheriff of Russell County for a period of month(s) days.
- ☒ Defendant's sentence shall be concurrent with the sentence(s) imposed in 02-02-186.
- ☐ Defendant shall pay restitution in the amount of \$ to .
The Clerk of the court is authorized to collect and disburse the restitution. Restitution is to be paid prior to other court costs.
- ☒ Defendant shall be given credit for time served.
- ☐ Defendant shall pay a fine in the amount of \$.
- ☐ Defendant shall pay \$10.00 per day incarceration fee.
- ☒ Defendant shall pay the cost of this case.
- ☒ Defendant shall pay the Alabama Crime Victims Compensation Commission \$ 100.
- ☐ Defendant shall perform hours of community service.
- ☒ Defendant is assessed with \$1000.00 penalty mandated by the Demand Reduction Assessment Account, Section 13A-12-281 of the Code of Alabama which will be suspended upon defendant's agreement to enroll in rehabilitation program and pay for same. The defendant may apply to the Court to reduce the amount due by any payments defendant has made.

- ☒ Defendant shall undergo a substance abuse program while at the Department of Corrections.
- ☒ Defendant shall complete a substance abuse program through the Court Referral Officer.
- ☒ Defendant is assessed with \$100.00 to Forensic Services Trust Fund Act No. 95-733.
- ☒ Defendant's drivers license are suspended for a period of 6 months.
- ☒ Defendant shall reimburse the State of Alabama the costs of his/her appointed counsel.
- ☒ Payment of court ordered monies shall be a condition of parole, early release, S.I.R., or work release.
- ☐ Defendant shall submit to the taking of DNA samples.
- ☐ Defendant shall register as a sex offender.

SUSPENDED SENTENCE

- ☐ Sentence is suspended, and the defendant is placed on ___ supervised ___ unsupervised probation for a period of _____.

SPLIT SENTENCE

- ☐ Sentence is suspended, and the defendant is placed on supervised probation for a period of _____, however, as a first condition of probation the defendant shall serve a period of _____ in the custody of the commissioner of the Department of Corrections/Sheriff of Russell County. Upon release from incarceration, the defendant must report within 5 days to the Russell County Probation Office.

REVERSE SPLIT SENTENCE

- ☐ Sentence is suspended, and the defendant is placed on supervised probation for a period of _____; however, upon completion of said probation period, the defendant shall serve a period of _____ in the custody of the Sheriff of Russell County, Alabama.

BOOT CAMP

- ☐ Defendant shall serve up to 180 days in the custody of the Commissioner of the Department of Corrections and he shall successfully complete the disciplinary, Rehabilitation program. When said program is completed or defendant is released from said program, he shall be returned to this Court for a hearing on his application for probation.

- ☒ Defendant waives any right to appeal and waives any right to any post conviction remedy.

- ☒ Defendant was advised that he/she has the right to appeal his/her conviction and sentence, and if declared indigent he/she has the right to appointed counsel and the court reporter's transcript will be provided without cost to the defendant.

☐ Review is scheduled for _____, 2003 at _____.

☐ Defendant gave oral notice of appeal.

DONE and ORDERED in open court this 14th day of January 2003.


JUDGE, CIRCUIT COURT

STATE OF ALABAMA) IN THE CIRCUIT COURT OF
VS.) RUSSELL COUNTY, ALABAMA
JERRY E. WHITLEY) CASE NOS.: CC 02-186, -187, -188

**NOTICE OF APPEAL AND MOTION TO
APPOINT APPELLATE COUNSEL**

Comes now Defendant, by and through his counsel of record, gives notice of appeal of his conviction and Sentencing Order dated January 14, 2003, in the above matters and moves the Court to appoint an attorney to represent him on appeal.

WHEREFORE, the Defendant gives notice of Appeal and prays the Court will appoint appellate counsel within the time to file a Motion for New Trial.

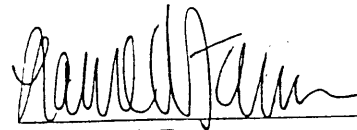
This the 14th Day of January, 2003.

EZELL & CHANCEY, LLP
By: Laurel W. Farrar
Laurel W. Farrar
Attorneys for Defendant
1200 8th Avenue
P. O. Drawer 2500
Phenix City, AL 36868-2500
(334) 297-2400
Attorney Code FAR-036

FILED IN OFFICE
2003 JAN 14 AM 1:47
CLERK OF COURT
RUSSELL COUNTY, AL

CERTIFICATE OF SERVICE

I hereby certify that I am attorney for the defendant and that I have served a copy of the within and foregoing Request for Discovery upon the District Attorney of Russell County, Alabama, by placing a copy thereof in a receptacle held in his name in the Office of the Clerk of this Court, this 14th day of January, 2003.

A handwritten signature in cursive script, appearing to read "Laurel W. Farrar", written over a horizontal line.

Laurel W. Farrar

ALABAMA JUDICIAL DATA CENTER
TRANSCRIPT OF RECORD
CONVICTION REPORT

CC 2002 0001A7.00 01
GEORGE P. GREENE

CIRCUIT COURT OF RUSSELL COUNTY		COURT ORI: 057015 J	
CITY OF SLO105214 VS.		DC NO: GJ 2001 000285.00	
WHITLEY JERRY EUGENE ALIAS:		G J: 167	
150 REYNOLDS ROAD ALIAS:		SSN: 259177161	
FORTSON GA 31808		SID: 000000000	
		AIS:	
DOB: 09/20/1965 SEX: M HT: 5 06 WT: 145 HAIR: BRO EYE: BRO		AGE: _____ FEATURES: _____	
RACE: (X)W ()B ()O COMPLEXION: _____			
DATE OFFENSE: 09/21/2001 APREST DATE: 09/21/2001		APREST ORI: 0570000	
CHARGES @ CONV	CITES	CT CL COURT ACTION	CA DATE
POSS/REC CONTR. SU	13A-012-212	01 C CONVICTED	12/05/2002
		00	00/00/0000
		00	00/00/0000
JUDGE: GEORGE P. GREENE		PROSECUTOR: LANDREAU BUSTER	
PROBATION APPLIED	GRANTED	DATE	REARRESTED DATE
()Y()N	()Y()N	()Y()N	()Y()N
15-18-8, CODE OF ALA 1975	IMPOSED	SUSPENDED	TOTAL
()Y()N CONFINEMENT:	05 00 000	00 00 000	05 00 000
PROBATION :	00 00 000		00 00 000
DATE SENTENCED: 01/14/2003	SENTENCE BEGINS: 01/14/2003		
PROVISIONS	COSTS/RESTITUTION	DUE	ORDERED
PENITENTIARY	RESTITUTION	\$0.00	\$0.00
CONCURR SENT	ATTORNEY FEE	\$0.00	\$0.00
DOC/SAPP PGM	CRIME VICTIMS	\$100.00	\$100.00
DRUG	COST	\$767.00	\$767.00
	FINE	\$0.00	\$0.00
	MUNICIPAL FEES	\$0.00	\$0.00
	DRUG FEES	\$1160.00	\$1160.00
	ADDTL DEFENDANT	\$15.00	\$15.00
	DA FEES	\$0.00	\$0.00
	COLLECTION ACCT	\$0.00	\$0.00
	JAIL FEES	\$0.00	\$0.00
	TOTAL	\$2042.00	\$2042.00
APPEAL DATE	SUSPENDED	AFFIRMED	REARREST
(X)Y()N 1/14/03	()Y()N	()Y()N	()Y()N
REMARKS:		THIS IS TO CERTIFY THAT THE ABOVE INFORMATION WAS EXTRACTED FROM OFFICIAL COURT RECORDS AND IS TRUE AND CORRECT.	
Consec. to CC-02-188		Kathy Coulter	
		KATHY COULTER	
		01/16/2003	

OPERATOR: JCS
PREPARED: 01/16/2003

STATE OF ALABAMA) IN THE CIRCUIT COURT OF
VS.) RUSSELL COUNTY, ALABAMA
JERRY E. WHITLEY) CASE NOS.: CC 02-186, -187, -188


**NOTICE OF APPEAL AND MOTION TO
APPOINT APPELLATE COUNSEL**

Comes now Defendant, by and through his counsel of record, gives notice of appeal of his conviction and Sentencing Order dated January 14, 2003, in the above matters and moves the Court to appoint an attorney to represent him on appeal.

WHEREFORE, the Defendant gives notice of Appeal and prays the Court will appoint appellate counsel within the time to file a Motion for New Trial.

This the 14th Day of January, 2003.

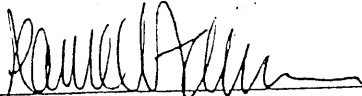
EZELL & CHANCEY, LLP

By: 
Laurel W. Farrar
Attorneys for Defendant
1200 8th Avenue
P. O. Drawer 2500
Phenix City, AL 36868-2500
(334) 297-2400
Attorney Code FAR-036

FILED IN OFFICE
2003 JAN 14 AM 1:47
JERRY E. WHITLEY

CERTIFICATE OF SERVICE

I hereby certify that I am attorney for the defendant and that I have served a copy of the within and foregoing Request for Discovery upon the District Attorney of Russell County, Alabama, by placing a copy thereof in a receptacle held in his name in the Office of the Clerk of this Court, this 14th day of January, 2003.



Laurel W. Farrar

IN THE CIRCUIT COURT OF JUDICIAL DISTRICT NO. 11
 STATE OF ALABAMA VS WHITLEY JERRY EUGENE JUDGE: GEORGE R. GREENE

APPEAL DATE: 01/14/2003

INDIGENCY STATUS: ☒ YES ☐ NO
 GRANTED INDIGENCY STATUS AT TRIAL COURT: ☐ YES ☐ NO
 APP. TRIAL COUNSEL PERMITTED TO W/D ON APPEAL: ☐ YES ☒ NO
 INDIGENT STATUS REVOKED ON APPEAL: ☐ YES ☒ NO
 INDIGENT STATUS GRANTED ON APPEAL: ☐ YES ☒ NO

DEATH PENALTY: NO

APPEAL TYPE: STATE CONVICTION

THIS IS AN APPEAL FROM A CONVICTION.

DATE OF CONVICTION: 12/05/2002

DATE OF SENTENCE: 01/14/2003

YOUTHFUL OFFENDER STATUS: DENIED

CO/CASE NUMBER: 57/CC 2002 000187.00
 CODE: VPCO CONVICTION: POSS/REC CONTR.

ACTION: CONVICTED
 STATUTE: 13A-012-212

SENTENCE: CONF: 05 YRS 00 MOS 000 DAYS
 SENTENCE: PROB: 00 YRS 00 MOS 000 DAYS

LIFE: NO LIFEWO: NO

POST-JUDGMENT MOTIONS FILED: DT FILED
 --- MOTION FOR NEW TRIAL
 --- MOTION FOR JUDG. OF ACQUIT
 --- MOTION TO W/D GUILTY PLEA
 --- MOTION FOR ATTY TO W/DRAW
 --- OTHER

DT DENIED CON BY AGREE

COURT REPORTER(S):
 ADDRESS:

WILSON, LINDA S.
 C/O HON. GEORGE R. GREENE
 PHENIX CITY, AL 36867

APPELLATE COUNSEL #1:
 ADDRESS:

FARRAR LAUREL WHEELING
 PO DRAWER 2600

PHONE NUMBER:

PHENIX CITY, AL 36868
 334-297-2400

APPELLATE COUNSEL #2:
 ADDRESS:

PHONE NUMBER:

APPELLANT (PRO SE):
 ADDRESS:

WHITLEY JERRY EUGENE
 150 REYNOLDS ROAD
 FORTSON, GA 318080000

AIS #:

APPELLEE (IF CITY APPEAL):
 ADDRESS:

I CERTIFY THAT THE INFORMATION PROVIDED
 ABOVE IS ACCURATE TO THE BEST OF MY
 KNOWLEDGE AND I HAVE SERVED A COPY OF
 THIS NOTICE OF APPEAL ON ALL PARTIES TO
 THIS ACTION ON THIS 17th DAY OF January, 2003

OPERATOR: SHG
 PREPARED: 01/17/2003

Ruthy Coulter / TW
 CIRCUIT COURT CLERK

IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA

STATE OF ALABAMA.
Plaintiff.

CRIMINAL CASE NUMBER
CC-02-186-188

vs.

JERRY E. WHITLEY.
Defendant.

MOTION FOR DESIGNATION OF INDIGENCY TO
PROCEED ON APPEAL IN FORMA PAUPERIS

Comes now the defendant in the above styled action, and respectfully the Court to allow him to proceed on appeal forma pauperis upon the following grounds, to wit:

1. The defendant is penniless and unable to obtain money to appeal his case.
2. The defendant meets every test under State law that prescribes standards of indigency and an affidavit is attached herein in support thereof.

WHEREFORE, the defendant prays that he be designated an indigent for purposes of appealing from the judgment and verdict of conviction entered in this Court on the 14th of January, 2003.

Respectfully requested, this the 21st Day of January, 2003.

EZELL & CHANCEY, LLP

By:

Laurel W. Farrar
Attorneys for Defendant
1200 8th Avenue
P. O. Drawer 2500
Phenix City, AL 36868-2500
(334) 297-2400
Attorney Code FAR-036

RECEIVED
FBI
JAN 21 11 25 AM '61

CERTIFICATE OF SERVICE

I hereby certify that I am attorney for the defendant and that I have served a copy of the within and foregoing Motion to for Designation of Indigency upon the District Attorney of Russell County, Alabama, by placing a copy thereof in a receptacle held in his name in the Office of the Clerk of this Court, this ^{21st}~~7th~~ day of January, 2003.

A handwritten signature in black ink, appearing to read "Laurel W. Farrar", written over a horizontal line.

Laurel W. Farrar

A. GENERAL INFORMATION:

☒ CIRCUIT COURT ☐ DISTRICT COURT ☐ JUVENILE COURT OF RUSSELL COUNTY
JERRY EUGENE WHITLEY, Appellant

V. ☒ STATE OF ALABAMA ☐ MUNICIPALITY OF _____

Case Number <u>CC-02-186,187,188</u>	Date of Complaint or Indictment <u>01/16/02</u>	Date of Judgment/Sentence/Order <u>01/14/03</u>
Number of Days of Trial/Hearing <u>2</u> Days	Date of Notice of Appeal Oral: <u>01/14/03</u>	Written: <u>01/14/03</u>
Indigent Status Requested: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Indigent Status Granted: <input type="checkbox"/> Yes <input type="checkbox"/> No

B. REPRESENTATION:

Is Attorney Appointed or Retained? <input checked="" type="checkbox"/> Appointed <input type="checkbox"/> Retained.	If no attorney, will appellant represent self? <input type="checkbox"/> Yes <input type="checkbox"/> No
Appellant's Attorney (Appellant if pro se) (Attach additional pages if necessary) <u>LAUREL W. FARRAR (trial)</u>	Telephone Number <u>334 297-2400</u>
Address <u>P.O. Drawer 2500</u>	City <u>Phenix City</u>
	State <u>AL</u>
	Zip Code <u>36868-2500</u>

C. CODEFENDANTS: List each CODEFENDANT and the codefendant's case number.

Codefendant <u>Caylene E. White</u>	Case Number <u>CC 2002-110,41</u>
Codefendant <u>Wayne Meadows</u>	Case Number <u>CC 2002-199,180</u>
Codefendant <u>Steven D. Moseson</u>	Case Number <u>CC 2002-160</u>

D. TYPE OF APPEAL: Please check the applicable block.

- | | | | |
|--|--|--|---|
| 1 <input checked="" type="checkbox"/> State Conviction | 4 <input type="checkbox"/> Pretrial Order | 7 <input type="checkbox"/> Juvenile Transfer Order | 10 <input type="checkbox"/> Other (Specify) _____ |
| 2 <input type="checkbox"/> Post-Conviction Remedy | 5 <input type="checkbox"/> Contempt Adjudication | 8 <input type="checkbox"/> Juvenile Delinquency | |
| 3 <input type="checkbox"/> Probation Revocation | 6 <input type="checkbox"/> Municipal Conviction | 9 <input type="checkbox"/> Habeas Corpus Petition | |

E. UNDERLYING CONVICTION/CHARGE: Regardless of the type of appeal checked in Section D, please check the box beside each offense category for which the appellant has been convicted or charged as it relates to this appeal. Also include the applicable section of the Code of Alabama for State convictions.

- | | | |
|---|--|--|
| 1 <input type="checkbox"/> Capital Offense - § _____ | 6 <input checked="" type="checkbox"/> Trafficking in Drugs - § <u>13A-12-231</u> | 11 <input type="checkbox"/> Fraudulent Practices - § _____ |
| 2 <input type="checkbox"/> Homicide - § _____ | 7 <input type="checkbox"/> Theft - § _____ | 12 <input type="checkbox"/> Offense Against Family - § _____ |
| 3 <input type="checkbox"/> Assault - § _____ | 8 <input type="checkbox"/> Damage or Intrusion to Property - § _____ | 13 <input type="checkbox"/> Traffic - DUI - § _____ |
| 4 <input type="checkbox"/> Kidnapping/Unlawful Imprisonment - § _____ | 9 <input type="checkbox"/> Escape - § _____ | 14 <input type="checkbox"/> Traffic - Other - § _____ |
| 5 <input checked="" type="checkbox"/> Drug Possession - § <u>13A-12-212</u> | 10 <input type="checkbox"/> Weapons/Firearms - § _____ | 15 <input checked="" type="checkbox"/> Miscellaneous (Specify):
<u>Resisting Arrest - § 13A-10-41</u> |

F. DEATH PENALTY:

Does this appeal involve a case where the death penalty has been imposed? ☐ Yes ☒ No

G. TRANSCRIPT:

- Will the record on appeal have a reporter's transcript? ☒ Yes ☐ No
- If the answer to question "1" is "Yes," state the date the Reporter's Transcript Order was filed. 01/23/03 (Date)
- If the answer to question "1" is "No":
 - Will a stipulation of facts be filed with the circuit clerk? ☐ Yes ☐ No
 - Will the parties stipulate that only questions of law are involved and will the trial court certify the questions? ☐ Yes ☐ No

NOTE: If the appeal is from the district or juvenile court and the answer to question "1" is "No," then a positive response is required for question 3(a) or 3(b).

H. POST-JUDGMENT MOTIONS: List all post-judgment motions, type and date of filing, type and date of disposition (whether by trial court order or by the provisions of Rules 20.3 and 24.4 (ARCrP)):

DATE OF FILING			TYPE OF POST-JUDGMENT MOTION	DATE OF DISPOSITION		
Month	Day	Year		Month	Day	Year

I. NATURE OF THE CASE: Without argument, briefly summarize the facts of the case.

J. ISSUE(S) ON APPEAL: Briefly state the anticipated issues that will be presented on appeal. (Attach additional pages if necessary.)

K. SIGNATURE:

Date _____

Signature of Attorney/ Party Filing this Form _____

APPELLANT

JERRY EUGENE WHITLEY

v. APPELLEE

STATE OF ALABAMA

Civil Action Number

Trial Judge

GEORGE R. GREENE

Court Reporter

LINDA WILSON

County

RUSSELL

Date of Notice of Appeal

1/14/03 / 1/17/03

ORAL & WRITTEN

PART I. TO BE COMPLETED AND FILED WITH THE COURT REPORTER BY APPELLANT WITHIN 7 DAYS OF THE FILING OF THE NOTICE OF APPEAL.

A. Request is hereby made to the reporter for a transcript of the following proceedings (give particulars):
NOTE: Exhibits are included in the clerk's record and need not be specified - see Rule 10(b)(1), A.R.App.p.☒ Entire Transcript☐ Testimony of Plaintiff☐ Testimony of Defendant☐ Testimony of Witness☐ Testimony of Witness☐ Oral Charges to the Jury☐ Objection to Oral Charge☐ Objection to Refused Requested Written

Charge(s), Numbers

☐ Others:

NOTE: Unless the entire transcript is ordered, appellant must attach a statement of the issues to Pages 4 and 5.

B. I CERTIFY that I HAVE paid the Court Reporter the estimated cost of transcribing that part of the proceedings I have deemed necessary to be included in the record.

Date

1/23/03

Signature

[Signature]

334-297-2400
Telephone Number

NOTE: Upon Completion of PART I, Appellant should distribute pages as follows:

*

Pages 1, 2 and 3 - Court Reporter

Page 4 - Trial Court

Page 5 - Appellee

Page 6 - Retained by Appellant

PART II. TO BE COMPLETED BY COURT REPORTER ON SAME DATE TRANSCRIPT PURCHASE ORDER IS RECEIVED.

A. Date Transcript Purchase Order Received

Estimated Completion Date

Estimated Number of Pages

Estimated Cost

B. I CERTIFY THAT ☐ I HAVE ☐ I HAVE NOT (check one) been paid the estimated cost of the transcript.

Date

Signature

Telephone Number

NOTE: Upon Completion of PART II, Court Reporter should distribute pages as follows:

*

Pages 1 and 2 - Retained by the Court Reporter

Page 3 - Transmitted to the Appropriate Appellate Court on Same Date Transcript Purchase Order is Received.

PART III. CERTIFICATE OF COMPLETION OF REPORTER'S TRANSCRIPT.

NOTE: This is to be completed by court reporter on date of filing of transcript in trial court. On the day of completion, this certificate must be forwarded to the appropriate appellate court (Page 2) and copies thereof shall be served on the clerk of the trial court and each of the parties.

I CERTIFY that I have this date completed and filed with the clerk of the trial court the original of a true and correct transcript of the evidence and matters designated by the parties. All pages are numbered serially in the upper right corner of the pages, prefaced by an index, and ending with the following number: _____

I CERTIFY that photocopies of this certificate are this date being served on the clerk of the trial court and each of the parties, along with a copy of the index (with copies of the transcript as ordered).

Dated this _____ day of _____

Court Reporter

NOTE: Upon Completion of PART III, Court Reporter should distribute pages as follows:

*

Page 1 - Retained by the Court Reporter

Page 2 - Transmitted to the Appropriate Appellate Court

* Distribution Code:

Page 1: White

Page 2: Blue

Page 3: Green

Page 4: Canary

Page 5: Pink

Page 6: Goldenrod

IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA

STATE OF ALABAMA,
Plaintiff,

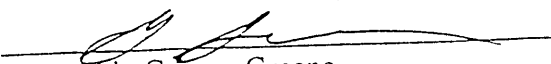
vs.

JERRY E. WHITLEY,
Defendant.CRIMINAL CASE NUMBER
CC-02-186-188FILED IN OFFICE
JUL 21 2003
RUSSELL CO., ALORDER ON MOTION TO WITHDRAW AND
APPOINTING COUNSEL ON APPEAL

Upon consideration of the Motion to Withdraw filed by the attorney for the defendant in the above-stated cause, the Court is of the opinion that the same is due to be granted.

IT IS, THEREFORE, ORDERED that Laurel W. Farrar, attorney, be, and hereby is, allowed to withdraw from representation, and that the Hon. Chuck Floyd, attorney, be, and is, hereby appointed to represent the defendant on appeal.

SO ORDERED, this the 20 day of Feb, 2003.


Honorable George Greene
Judge, Russell County Circuit Court

Monthly Expenses: (cont'd page 1)

Credit Card Payment(s) _____

Educational/Employment Expenses _____

Other Expenses (be specific) _____

Sub-Total _____

B. Child Support Payment(s)/Alimony _____

Sub-Total _____

C. Exceptional Expenses _____

TOTAL MONTHLY EXPENSES (add subtotals from A & B monthly only)

A \$ NoneB \$ NoneC \$ None

Total Gross Monthly Income Less total monthly expenses:

DISPOSABLE MONTHLY INCOME

\$ None

4. LIQUID ASSETS:

Cash on Hand/Bank (or otherwise available such as stocks, bonds, certificates of deposit) _____

Equity in Real Estate (value of property less what you owe) _____

Equity in Personal Property, etc. (such as the value of motor vehicles, stereo, VCR, furnishing, jewelry, tools, guns, less what you owe) _____

Other (be specific) _____

Do you own anything else of value? ☐ Yes ☒ No

(land, house, boat, TV, stereo, jewelry)

If so, describe _____

TOTAL LIQUID ASSETS

\$ None

5. Affidavit/Request

I swear or affirm that the answers are true and reflect my current financial status. I understand that a false statement or answer to any question in the affidavit may subject me to the penalties of perjury. I authorize the court or its authorized representative to obtain records of information pertaining to my financial status from any source in order to verify information provided by me. I further understand and acknowledge that, if the court appoints an attorney to represent me, the court may require me to pay all or part of the fees and expenses of my court-appointed counsel.

Sworn to and subscribed before me this

_____ day of _____, 19 _____.

Affiant's Signature

Print or Type Name

Judge/Clerk/Notary

ORDER OF COURT

SECTION II.

IT IS THEREFORE, ORDERED, AND ADJUDGED BY THE COURT AS FOLLOWS:

☐ Affiant is not indigent and request is DENIED.

☐ Affiant is partially indigent and able to contribute monetarily toward his/her defense; therefore defendant is ordered to pay \$ _____ toward the anticipated cost of appointed counsel. Said amount is to be paid to the clerk of court or as otherwise ordered and disbursed as follows:

☐ Affiant is indigent and request is GRANTED.☐ The prepayment of docket fees is waived.

IT IS FURTHER ORDERED AND ADJUDGED that Charles Floyd III is hereby appointed as counsel to represent defendant.

IT IS FURTHER ORDERED AND ADJUDGED that the court reserves the right and may order reimbursement of attorney fees and expenses, approved by the court and paid to the appointed counsel, and costs of court.

Done this 20 day of Feb 2007

Judge

CLERK OF COURT
JUL 24 AM 8:12
CLERK OF COURT

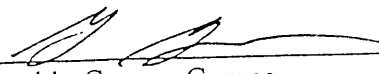
IN THE CIRCUIT COURT OF RUSSELL COUNTY, ALABAMA

STATE OF ALABAMA,
Plaintiff.

vs.

JERRY E. WHITLEY,
Defendant.CRIMINAL CASE NUMBER
CC-02-186-188**ORDER DESIGNATING INDIGENCY TO PROCEED
ON APPEAL IN FORMA PAUPERIS**

The defendant's motion for designation for indigency having been read, and upon defendant's attached affidavit of poverty having been considered, it appears that the said defendant, Jerry E. Whitley, is indigent, and because of his poverty unable to prosecute his appeal and is without funds to pay an attorney for said appeal. Whereupon, the Court does hereby designate defendant, Jerry E. Whitley, because of his poverty, as an indigent and unable to pay an attorney to prosecute this appeal.

SO ORDERED, this the 20 day of Feb, 2003.

 Honorable George Greene
 Judge, Russell County Circuit Court

 FILED IN OFFICE
 2003 FEB 24 AM 8:06
 JERRY E. WHITLEY
 RUSSELL CO., AL

NOTICE OF APPEAL TO THE ALABAMA COURT OF APPEALS
BY THE TRIAL COURT CLERK
IN THE CIRCUIT COURT OF RUSSELL COUNTY
STATE OF ALABAMA VS WHITLEY JERRY EUGENE JUDGE: GEORGE R. GREENE

APPEAL DATE: 01/14/2003

INDIGENCY STATUS:
GRANTED INDIGENCY STATUS AT TRIAL COURT:
APP. TRIAL COUNSEL PERMITTED TO W/D ON APPEAL:
INDIGENT STATUS REVOKED ON APPEAL:
INDIGENT STATUS GRANTED ON APPEAL:

<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO
<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO
<input type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO
<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO

DEATH PENALTY: NO

APPEAL TYPE: STATE CONVICTION

THIS IS AN APPEAL FROM A CONVICTION.

DATE OF CONVICTION: 12/05/2002

DATE OF SENTENCE: 01/14/2003

YOUTHFUL OFFENDER STATUS: DENIED

CO/CASE NUMBER: 57/CC 2002 000187.00
CODE: VPCO CONVICTION: POSS/REC CONTR.

ACTION: CONVICTED
STATUTE: 13A-012-212

SENTENCE: CONF: 05 YRS 00 MOS 000 DAYS
SENTENCE: PROB: 00 YRS 00 MOS 000 DAYS

LIFE: NO LIFEW: NO

POST-JUDGMENT MOTIONS FILED: DT FILED
--- MOTION FOR NEW TRIAL
--- MOTION FOR JUDG. OF ACQUIT
--- MOTION TO W/D GUILTY PLEA
---X MOTION FOR ATTY TO W/DRAW 01/20/2003
--- OTHER

DT DENIED CON BY AGREE

02/24/2003

COURT REPORTER(S):
ADDRESS:

WILSON, LINDA S.
C/O HON. GEORGE R. GREENE
PHENIX CITY, AL 36867

APPELLATE COUNSEL #1:
ADDRESS:

FLOYD CHARLES EDDIE III
P. O. BOX 759

PHONE NUMBER:

PHENIX CITY, AL 36868
205-297-3378

APPELLATE COUNSEL #2:
ADDRESS:

PHONE NUMBER:

APPELLANT (PRO SE):
ADDRESS:

WHITLEY JERRY EUGENE
150 REYNOLDS ROAD
FORTSON, GA 318080000

AIS #:

APPELLEE (IF CITY APPEAL):
ADDRESS:

I CERTIFY THAT THE INFORMATION PROVIDED
ABOVE IS ACCURATE TO THE BEST OF MY
KNOWLEDGE AND I HAVE SERVED A COPY OF
THIS NOTICE OF APPEAL ON ALL PARTIES TO
THIS ACTION ON THIS 24th DAY OF February, 2003

OPERATOR: SHG
PREPARED: 02/24/2003

Kathy Coulter, Tw
CIRCUIT COURT CLERK

PLAINTIFF,

VS.

JERRY WHITLEY

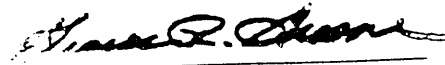
DEFENDANT.

CASE NO.: CC 02-186-188

FILED IN OFFICE
2003 FEB 27 PM 3:37
RUSSELL CO. ALAORDER

The Order dated February 20, 2003 granting defendant's motion to proceed on appeal in forma pauperis and appointment of attorney is hereby recalled and set aside as this Order was issued in error. The defendant has retained Hon. Michael Williams, Sr., Attorney for purposes of appeal.

DONE this the 27th day of February 2003.


JUDGE, CIRCUIT COURT

ALABAMA JUDICIAL DATA CENTER
 NOTICE OF APPEAL TO THE ALABAMA COURT OF APPEALS
 BY THE TRIAL COURT CLERK
 IN THE CIRCUIT COURT OF JUDGE: GEORGE R. GREENE
 STATE OF ALABAMA VS WHITLEY JERRY EUGENE

APPEAL DATE: 01/14/2003

INDIGENCY STATUS:
 GRANTED INDIGENCY STATUS AT TRIAL COURT:
 APP. TRIAL COUNSEL PERMITTED TO W/D ON APPEAL:
 INDIGENT STATUS REVOKED ON APPEAL:
 INDIGENT STATUS GRANTED ON APPEAL:

YES NO
 YES NO
 YES NO
 YES NO

DEATH PENALTY: NO

APPEAL TYPE: STATE CONVICTION

THIS IS AN APPEAL FROM A CONVICTION.

DATE OF CONVICTION: 12/05/2002

DATE OF SENTENCE: 01/14/2003

YOUTHFUL OFFENDER STATUS: DENIED

CO/CASE NUMBER: 57/CC 2002 000187.00
 CODE: VPCO CONVICTION: POSS/REC CONTR.

ACTION: CONVICTED
 STATUTE: 13A-012-212

SENTENCE: CONF: 05 YRS 00 MOS 000 DAYS
 SENTENCE: PROB: 00 YRS 00 MOS 000 DAYS

LIFE: NO LIFEWD: NO

POST-JUDGMENT MOTIONS FILED: DT FILED
 --- MOTION FOR NEW TRIAL
 --- MOTION FOR JUDG. OF ACQUIT
 --- MOTION TO W/D GUILTY PLEA
 [X] MOTION FOR ATTY TO W/DRAW 01/20/2003
 --- OTHER

DT DENIED CON BY AGREE

02/24/2003

COURT REPORTER(S):
 ADDRESS:

WILSON, LINDA S.
 C/O HON. GEORGE R. GREENE
 PHENIX CITY, AL 36867

APPELLATE COUNSEL #1:
 ADDRESS:

WILLIAMS J MICHAEL SR
 P O BOX 1068

PHONE NUMBER:

AUBURN, AL 36831
 205-705-0200

APPELLATE COUNSEL #2:
 ADDRESS:

PHONE NUMBER:

APPELLANT (PRO SE):
 ADDRESS:

WHITLEY JERRY EUGENE
 150 REYNOLDS ROAD
 FORTSON, GA 318080000

AIS #:

APPELLEE (IF CITY APPEAL):
 ADDRESS:

I CERTIFY THAT THE INFORMATION PROVIDED
 ABOVE IS ACCURATE TO THE BEST OF MY
 KNOWLEDGE AND I HAVE SERVED A COPY OF
 THIS NOTICE OF APPEAL ON ALL PARTIES TO
 THIS ACTION ON THIS 28th DAY OF February, 2003

OPERATOR: SHG
 PREPARED: 02/28/2003

Kathy Coulter / TCU
 CIRCUIT COURT CLERK

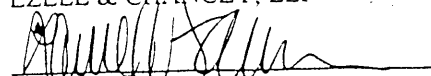
Pink: Attorney

Total In-Court Time	18.6	hours x \$60.00=	1,116.00
Total Out-of-Court Time	103.5	hours x \$40.00=	4,140.00
Overhead Expenses: Overhead	122.1	hours x \$38.46=	4,695.97
Photocopies (correspondence 68; pleadings 570; copies of cases 105)	743.0	copies x 25¢=	185.75
Postage and fax charges	40.0	x 37¢=	14.80
Certified Mail charges	2.0	x \$4.80=	9.60
Mileage to Auburn 10/22/02	78.0	miles @.34¢	26.52
Extraordinary Expenses: Independent Laboratory Analyses	2.0	tests x \$75.00	350.00

TOTAL AMOUNT DUE.....10,538.64

EZELL & CHANCEY, LLP

By:


Laurel W. Farrar

Attorneys for Defendant
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Phenix City, AL 36868-2500
(334) 297-2400
Attorney Code FAR-036